

# BOARD OF SUPERVISORS

*Brown County*



305 E. WALNUT STREET  
P. O. BOX 23600  
GREEN BAY, WISCONSIN 54305-3600

E-Mail [BrownCountyCountyBoard@co.brown.wi.us](mailto:BrownCountyCountyBoard@co.brown.wi.us)

PHONE (920) 448-4015 FAX (920) 448-6221

## **"PUBLIC NOTICE OF MEETING"**

Pursuant to Section 19.84 Wis. Stat., notice is hereby  
given to the public that the following meetings will be  
held

**THE WEEK OF JANUARY 4-8, 2010.**

### **MONDAY, JANUARY 4, 2010**

(No Meetings)

### **TUESDAY, JANUARY 5, 2010**

(No Meetings)

### **WEDNESDAY, JANUARY 6, 2010**

\* 5:00 p.m.

Public Safety Committee

Rm 200—Northern Bldg.  
305 E. Walnut Street

### **THURSDAY, JANUARY 7, 2010**

\* 5:30 p.m.

Education & Recreation Committee

Central Library  
515 Pine Street

### **FRIDAY, JANUARY 8, 2010**

(No Meetings)

#### **\*Agendas Enclosed**

Any person wishing to attend who, because of a disability, requires special accommodation, should contact the Brown County Human Resources Office at 448-4065 by 4:30 p.m. on the day before the meeting so that arrangements can be made.

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### **PUBLIC SAFETY COMMITTEE**

**Andy Nicholson, Chair**  
Tom De Wane, Vice Chair  
Carole Andrews, Bill Clancy, Andy Williams

### **PUBLIC SAFETY COMMITTEE**

**Wednesday, January 6, 2010**

**5:00 p.m.**

**Room 200, Northern Building  
305 E. Walnut Street**

- I. Call meeting to order.
- II. Approve/modify agenda.
- III. Approve/modify minutes of October 20, 2009 and December 3, 2009.

1. Review minutes and reports of:
  - a. Criminal Justice Coordinating Board (11/24/09).
  - b. Emergency Medical Services (12/16/09).
  - c. Fire Investigation Task Force General Membership (12/3/09).
  - d. Fire Investigation Task Force Board of Directors (11/12/09).
  - e. FoxComm Fiscal Advisory Board (10/1/09).

### **District Attorney**

2. Monthly drug criminal complaint numbers (standing item).
3. Budget Adjustment Request (#09-137): Increase in expenses with offsetting increase in revenue (see attached for details).

### **Public Safety Communications**

4. Grant Application Review (#09-46): Homeland Security – HS NIMS and ICS Training (2008).
5. Budget Status Financial Report for November, 2009.
6. Budget Adjustment Request (#09-131): Increase in expenses with offsetting increase in revenue (see attached for details).
7. Director's Report.

### **Sheriff**

8. Key Factor Report and Jail Average Daily Population by Month and Type for the Calendar Year 2009.
9. Budget Status Report and Budget Performance Report for November, 2009.
10. Ordinance re: To Create Sec. 30.09 of the Brown County Code Entitled "Purchase and Sale of Scrap Metal." (*Motion at December Public Safety: Hold for one month.*)
11. Ordinance re: To Create Sec. 30.08 of the Brown County Code Entitled "Pawn Brokers and Secondhand Article and Jewelry Dealers." (*Motion at December Public Safety: Hold for one month.*)
12. Budget Adjustment Request (#09-144): Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services (see attached for details).
13. Sheriff's Report.

14. **Clerk of Courts** - Budget Status Financial Report for November, 2009.

**Circuit Courts** No agenda items.

**Medical Examiner** No agenda items.

**Teen Court** No agenda items.

**Other**

15. Audit of bills.

16. Such other matters as authorized by law.

Andy Nicholson, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

Word97/agendas/pubsaf/January6\_2010.doc

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### EDUCATION & RECREATION COMMITTEE

John Vander Leest, Chair  
Kathy Johnson, Vice Chair  
Adam Warpinski, Pat Wetzel, Jesse Brunette

### EDUCATION & RECREATION COMMITTEE

Thursday, January 7, 2010

5:30 p.m.

Central Library (Downtown GB)

515 Pine Street

(Mtg to be held in the Lower Level meeting room)

**\*\* Please Note Time and Location \*\***

- I. Call meeting to order.
- II. Approve/modify agenda.
- III. Approve/modify minutes of December 3, 2009.
1. Review minutes of:
  - a) Library Board (11/19/09).

#### NEW Zoo

2. Zoo Monthly Activity Report.
  - a. Visitor Center Operation Reports:
    - i. Admissions Revenue Attendance.
    - ii. Gift Shop, Concessions, Admission & Zoo Pass Revenue.
  - b. Curator's Report - Animal Collection Report December, 2009.
  - c. Education & Volunteer Programs Report November 2009.
3. Budget Adjustment Request (#09-128): Increase in expenses with offsetting increase in revenue (see attached for details).
4. Budget Adjustment Request (#09-129): Increase in expenses with offsetting increase in revenue (see attached for details).
5. Director's Report.

#### Museum

6. Budget Status Financial Report for November 30, 2009.
7. Attendance & Admission, November 2009.
8. Director's report.

#### Golf Course

9. Budget Status Financial Report for November 30, 2009.
10. Golf Course Financial Statistics as of December 20, 2009.
11. Superintendent's Report.

#### Parks

12. Budget Adjustment Request (#09-141): Increase in expenses with offsetting increase in revenue (see attached for details).
13. Budget Status Financial Report for October, 2009.
14. Director's Report for November, 2009.

**Resch Centre/Arena/Shopko Hall**

15. November-09 Attendance for the Brown County Veterans Memorial Complex.

**Library**

16. Budget Status Financial Report for November 30, 2009.  
17. Library Engineering Assessment (Tour of facility will be held at this item.)  
18. Director's Report.

**Other**

19. Audit of bills.  
20. Such other matters as authorized by law.

John Vander Leest, Chair

Notice is hereby given that action by Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda. Word97/agendas/edrec/January7\_2010.doc



# January 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					<b>Happy New Year!</b>  1	2
3	4	5	Public Safety 5pm	Ed & Rec 5:30pm	8	9
10	Executive Cmte 6:00 pm	Vets' Recognition 5:15pm	13	14	15	16
17	18	19	<b>Board of Supervisors 7:00 p.m.</b>	Facility Master Plan 5:15 pm.	22	23
24	Land Con 6pm Plan Dev & Trans 6:30 pm	Criminal Justice Coord Bd 3:30pm	Human Svc Cmte 6pm	Admin 5:30 pm	29	30
31						

# FEBRUARY 2010



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	Public Safety 5pm	Ed & Rec 5:30pm	5	6
7	Executive Cmte 6:00 pm	Vets' Recognition 5:15pm	10	11	12	13
 <b>Valentine's Day</b> 14	15	16	EMS 1:30pm <b>Board of Supervisors 7:00 p.m.</b>	Facility Master Plan 5:15 pm.	19	20
21	Land Con 6pm Plan Dev & Trans 6:30 pm	Criminal Justice Coord Bd 3:30pm	Human Svc Cmte 6pm	Admin 5:30 pm	26	27
28						

## **BROWN COUNTY COMMITTEE MINUTES**

- **Fire Investigation Task Force Board of Directors (November 12, 2009)**
- **Fire Investigation Task Force General Membership (December 3, 2009)**
- **Harbor Commission (November 19, 2009)**

**To obtain a copy of Committee minutes:**

**[http://www.co.brown.wi.us/minutes\\_and\\_agendas/](http://www.co.brown.wi.us/minutes_and_agendas/)**

**OR**

**Contact the Brown County Board Office or the County Clerk's Department**

# PROCEEDINGS OF THE BROWN COUNTY FIRE INVESTIGATION TASK FORCE

## BOARD OF DIRECTORS

A meeting of the Board of Directors of the Brown County Fire Investigation Task Force was held on November 12, 2009, at 9:00 a.m., at the Allouez Fire Department, 135 Dauphin St., Green Bay, WI.

Present: Glenn Deviley, Greg Urban, Tom Vandenack, Kevin Heimerl, Jeff Sanborn, Kevin Tielens, Jeff Roemer, Larry Wilson, Jim Nickel, Mark Wallace, Bob Kiser

Excused: Larry Mours, Rick Davidson, Dennis Kocken, Brad Muller, Jim Arts

Absent: John Zakowski, Derek Beiderwieden, Eric Dunning, Ed Janke, Nick Craig

Item #1. Adoption of Agenda.

Motion was made by Vandenack and seconded by Roemer to adopt the agenda. **Motion carried.**

Item #2. Approve Minutes of Meeting of September 17, 2009.

Motion was made by Vandenack and seconded by Roemer to approve the minutes of the last meeting. **Motion carried.**

Item #3. Report of Monthly Activities of the Fire Investigation Unit.

Muller not present.

Item #4. Report of General Membership President.

Muller not present.

Item #5. Old Business.

A. Disposition of Case Proceedings.

Zakowski not present. Deviley reported that the arson cases from 1032 Pine Street and North Irwin Avenue in Green Bay were referred to the district attorney's office for charges.

B. Status of County Agreement with MABAS.

No new information.



FITF Board of Directors  
November 12, 2009  
Page 2 of 2

Item #6. New Business.

Wilson reported that there is a fire investigation technician certification course available online through IAAI and felt that it would greatly add to investigators' credentials in court and suggested that the General Membership be encouraged to complete this course. Motion was made by Deviley and seconded by Wilson to draft a letter to the General Membership on behalf of the Board of Directors in support of the IAAI fire investigation technician certification course.

**Motion carried.**

Deviley stated that WPS is putting on a one-day free training session on December 14, 2009, at their service center in Ashwaubenon in reference to electrical and gas issues relating to fire investigation. He stated that 17 members have signed up so far.

Item #7. Report of Juvenile Firesetter Program Coordinator.

Craig not present. Roemer reported four referrals received.

Item #8. Other Matters.

No other matters were discussed.

Item #9. Set Date, Time, and Location of Next Meeting.

The next meeting was set for January 14, 2010, at 9:00 a.m., at the Allouez Fire Department, 135 Dauphin Street, Green Bay, WI.

Item #10. Adjourn.

Motion was made by Vandenack and seconded by Roemer to adjourn the meeting. **Motion carried.**

Respectfully submitted,

Marsha Laurent  
Recording Secretary

# PROCEEDINGS OF THE BROWN COUNTY FIRE INVESTIGATION TASK FORCE

## GENERAL MEMBERSHIP

A meeting of the General Membership of the Brown County Fire Investigation Task Force was held on December 3, 2009, at 7:00 p.m., at the Brown County Sheriff's Department, 300 E. Walnut Street, Green Bay, WI.

Present: Greg Steenbock, Glenn Deviley, Matt Maleport, Dan Kerkhoff, Joe Gabe, Brad Neville, Norman Heraly, Kevin Tielens, Dave Bielinski, Eric Johnson, Steve Zich, Jim Stupka, Angie Cali, Terry Rottier, Doug Peters, Randy Lind, Lance Catalano, Brad Muller, John Schweitzer

### Item #1. Adoption of Agenda.

Motion was made by Deviley and seconded by Catalano to adopt the agenda. **Motion carried.**

### Item #2. Review Minutes of Previous Meeting.

Motion was made by Kerkhoff and seconded by Catalano to approve the minutes of the last meeting from September 3, 2009. **Motion carried.**

### Item #3. Report of Task Force Activities.

Muller reported that the fire investigation unit was called out to the following fires since the last meeting:

09-09-09 1032 Pine St., Green Bay (duplex/arson)  
09-10-09 4335 De Pere Rd., Glenmore (residence/arson)  
09-27-09 2252 Fox Heights Ln., Ashwaubenon (business/?)  
10-12-09 3174 Freedom Rd., Lawrence (residence/undetermined)  
10-13-09 2165 Broadway, Ashwaubenon (business/arson)  
10-25-09 161 Cliffview Dr., Green Bay (residence/?)  
12-01-09 Georgia Pacific (business/undetermined)

Deviley reported that the arson case from 1429 North Irwin Avenue was referred to the D.A.'s office for charges. Catalano reported that Randy Robenhorst in the Pulaski arson pled guilty and was sentenced to 6 months in jail and lengthy supervision.

### Item #4. Information from Board of Directors Meeting.

Muller reported that the election of officers was held at the September meeting. Robert Kiser and Larry Mours were re-elected as chairperson and vice-chairperson, respectively. A motion was made to pursue looking for a replacement truck. A motion was also made that Kiser send a letter

to the General Membership encouraging members to complete the IAAI fire investigation technician certification course. The next meeting was set for January 14, 2010.

Item #5. Old Business.

Muller advised that there is some money left in budget to purchase equipment for the truck. He stated that he would like to replace the laptop in the truck with a Toughbook laptop. Other suggestions were a very small portable generator and Tyvek single-use suits.

Let Deviley know if you have any training ideas.

It was reported that the new safety house storage space is working out.

Item #6. New Business.

General Membership meetings were scheduled for 2010 as follows:

March 4, 2010, 7:00 P.M.  
Suamico Fire Station #2  
2323 Northwood Road  
Suamico, WI

May 27, 2010, 7:00 P.M.  
Ledgeview Fire Station #1  
3700 Dickinson Road  
De Pere, WI

September 2, 2010, 7:00 P.M.  
Ashwaubenon Fire Station #1  
2155 Holmgren Way  
Green Bay, WI

December 2, 2010, 7:00 P.M.  
Bellevue Fire Station #1  
3100 Eaton Road  
Green Bay, WI

A thank you letter was received from the Howard Fire Department for bringing the safety house to their open house.

WPS is offering a free class on December 14, 2009.

FITF General Membership  
December 3, 2009  
Page 3 of 3

There have been 27 fire investigation call-outs to date.

Deviley stated that he is thinking about putting together a DNA evidence collection kit for the truck. It was noted that if a firefighter collects evidence, he needs to turn it over to an officer. He will give an overview at the General Membership meeting in March. He will also get from the Crime Lab an updated manual for the truck.

Item #7. Juvenile Firesetter Business.

Gabe reported that Green Bay had two contacts in the last week. Stupka reported that De Pere had one.

Item #8. Other Matters.

No other matters were discussed.

Item #9. Set Date, Time, and Location of Next Meeting.

The next meeting is set for March 4, 2010, at 7:00 p.m., at Suamico Fire Station #2.

Item #10. Training.

Overview of fall IAAI seminar regarding heavy equipment fires.

Respectfully submitted,

Marsha Laurent  
Recording Secretary

## PORT AND SOLID WASTE DEPARTMENT

*Brown County*

Approved:

12.21.09

2561 SOUTH BROADWAY  
GREEN BAY, WI 54304

CHARLES J. LARSCHEID

PHONE: (920) 492-4950 FAX: (920) 492-4957

PORT AND SOLID WASTE DIRECTOR

### PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Thursday, **November 19, 2009**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey at 11:30am.

1. Roll Call:

Present:

President Neil McKloskey  
Vice-President Tom Van Drasek  
Commissioner Hank Wallace  
Commissioner Bill Martens (left at 1:15pm)  
Commissioner John Hanitz  
Commissioner Ron Antonneau (arrived at 1:40pm)

Excused:

Commissioner Craig Dickman  
Commissioner John Gower  
Commissioner Bernie Erickson

Also Present:

Dean Haen, Brown County Port & Solid Waste

2. Approval/Modification – Meeting Agenda

**A motion was made by Bill Martens and seconded by Hank Wallace to approve the agenda with the modification that Agenda Item #5 “Navigational Dredging Concerns Related to Fox River Clean-up Project” be discussed after Agenda Item #11 “Tonnage Report”. (Commissioner Martens noted a conflict of interest since he is a former employee of one of the parties involved in the cleanup.)** Unanimously approved.

3. Approval/Modification – October 12, 2009 Meeting Minutes

**A motion to approve the October 12, 2009 meeting minutes was made by Hank Wallace and seconded by Tom Van Drasek.** Unanimously approved. (Commissioner Martens abstained from voting since he was not in attendance at said meeting.)

4. Communication from Vice-President Van Drasek & Strategic Plan Subcommittee – Update

Commissioner Van Drasek stated the subcommittee did not meet last month and therefore no additional changes, additions and/or corrections have been made to the Plan. Van Drasek requested Board members consider joining committees related to economic growth in an effort to raise the Port's visibility. A list of possible committees was provided to the Commission. Neil McKloskey and Dean Haen are on the Planning Task Force for the County Waterfront Study. Tom VanDrasek is on the Public Policy Council at the Green Bay Chamber of Commerce and is attempting to get on one of the committees at New North. Ron Antonneau is on the Convention & Visitors Bureau and also the Good Government Council. The Commission discussed ways to promote the Port and port-related business especially since most committees nowadays seem to focus mainly on trails, green spaces, etc. A stakeholder list has been sent to the Aaron Schuette, Brown County Planning Department as well as a list of everyone receiving the Port newsletter. The next meeting for the Strategic Plan Subcommittee will be December 7<sup>th</sup> at 9am.

6. Foreign Trade Zone General Zone Activity Request – Update

Previously Thill Logistics, Neenah, requested use of the Foreign Trade Zone (FTZ) for a facility on Leicht's property. Due to some issues with the Leicht's property, Thill Logistics has acquired a building from Kimberly Clark in Neenah and is now requesting this property be made part of the general zone. Eventually this property will be moved to a subzone but due to time constraints, the general zone will be applied for at this time as it is a faster process. The general zone application does require that comparable property be removed from the FTZ in return for the new property. Since the

general zone around Whitman Field in Oshkosh has had no development, the required acreage will be taken from this area. The boundaries of the FTZ are the state boundaries. The FTZ in Milwaukee has no activities and is currently for sale. Madison has a FTZ around their airport. Brown County has been developing a FTZ statewide and currently has an application in for Marinette Marine in Marinette and GE Gas & Electric near Milwaukee. Brown County also has general zones in Green Bay and Oshkosh and now Neenah; subzones in Hudson, Osceola and Plymouth. Every general zone or subzone activity results in approximately \$10,000 annually to the Port.

7. 217 Budget Transfer, (Carolyn Maricque, BC Finance Director) – Request for Approval

Manager Haen and Carolyn Maricque, Brown County Finance Director, provided explanations and answers to questions raised at last month's Harbor Commission meeting regarding accounting errors made over the last eight years. A memo was included in the agenda packet outlining the discrepancies. Maricque explained that with the new financial system recently implemented by Brown County, the balance sheets for the Port Department and the Solid Waste Department were separated and in doing so, the following variances were noted:

2001	(\$98,699)	217 Agreement (USACE). <i>Although the Agreement was signed in June 2001, the tipping fee was not collected until 2002 which left a \$98,000 deficit for 2001.</i>
2002	(\$7331)	Transfer of funds was based off the 217 Agreement administrative costs rather than recouping all of the Port's losses.
2004	(\$47,783)	Additional expenditures incurred and posted the following year.
2007	(\$157,907)	Property purchase from the City of Green Bay. <i>Paid from the Property Acquisition Fund (217), but shown as additional income to the port on the income statement.</i>
2008	(\$156,864)	Legal fees. <i>Exact amount not known at year end so staff transferred an estimated amount.</i>

As of the end of 2008, the Port deficit totals \$452,000.

Staff indicated that although audits are done annually, they do not always go into the specifics of the agreements, as well as the fact that the audit is done for the Port & Solid Waste Department as a whole. The revenues and expenses were recorded, however, the cash deficit was not illustrated because of how the balance sheets were laid out. Manager Haen assured the Commission he thoroughly reviewed everything to ensure that all items were properly credited to the Port. Haen indicated he accepts the costs as real and it is his recommendation to transfer money from Port to Solid Waste to make the Solid Waste Department whole.

The Commission discussed interdepartmental chargebacks as well as departmental chargebacks and suggested that perhaps these numbers should be reviewed by an outside accountant. Staff stated they did not feel the numbers would change but it may give the Commission peace of mind. When asked if the County has a formula for chargebacks, staff indicated that a cost assessment is done annually by an outside firm annually. Departmental charges from Solid Waste average around \$40,000 annually.

Staff noted that at the November Solid Waste Board meeting, charging the Port interest was discussed which prompted the Harbor Commission to mention interest in a possible lawsuit. Staff assured the Commission that the funds are in the 217 Agreement fund and were simply not allocated over the past eight years to the proper fund accounts.

The Commission discussed in great detail how to proceed on repayment, if any, of the \$452,000. The Commission felt a reasonable option would be to repay the last two years stating that the error in 2007 was an accounting technique mistake on the part of Port staff and in 2008 a conscious decision was made to only transfer an estimate to the Fox River litigations bills which continuing to accrue at \$30,000 to \$40,000 per month.

Discussion on privatizing the Port Department ensued, however, Manager Haen indicated that Wisconsin does not permit for a port to become a port authority which allows the ability to bond. The Port being linked to the County provides bonding options.

Manager Haen explained the four Port accounts; 1) 217 Agreement, 2) Harbor Fee, 3) Harbor Dredging, and 4) Port. The "Port" account is the only account linked directly to Solid Waste. Payment for Port expenditures was being made from the Port account without the subsequent transfer of funds from one of the other accounts.

The Commission indicated it would like additional time to look into and discuss these issues further and also allow feedback and input from Commissioner Dickman. Neil McKloskey, Hank Wallace and Craig Dickman (by proxy)

volunteered to be on a subcommittee to 1) gather more information on the formula used for chargebacks (departmental & interdepartmental), 2) research feasibility of separating the Port from the Solid Waste Department and/or 3) separating from the County entirely and privatizing, 4) how funds are transferred, 5) year-end procedure for closing the books, 6) confirmation that all Port assets have been accounted for, and 7) the Port's liability for repayment after eight years. At this time the Commission recommended keeping this internal and discussing possible options with Executive Tom Hinz and Brown County Corporation Counsel.

Staff noted that Port & Solid Waste is one of only a few departments within the County that has two departments combined. Staff agreed that the Port should have their own balance sheet in order to see their cash, payables, assets, etc. Prior to 1999, the Port and Solid Waste were in fact two individual departments but both were still part of the County.

The Commission requested this portion of the meeting be recorded and forwarded to them by the end of next week for their review.

**A motion to set aside the 217 Budget Transfer and appoint a subcommittee to delve into these issues further was made by Ron Antonneau and seconded by Neil McKloskey. Unanimously approved.**

8. Great Lakes Restoration Initiative – Update

Two pre-proposals on a Great Lakes Restoration Grant were distributed to the Commission. The proposals, due on November 25, were submitted on November 19. Brown County is requesting the full amount, however, the U.S. Army Corps of Engineers (USACE) has informed Manager Haen they have received \$9M from the Environmental Protection Agency (EPA) for the construction of Cat Island. The grant is still being submitted however, since the \$9M has not been formally announced by the USACE. This grant is similar to the NOAA grant submitted in spring 2009.

The other pre-proposal is for environmental capping of Renard Island. If awarded the \$3.7M for capping, this would keep the Port's dredging dollars in tact. This project meets many of the Great Lakes Restoration Initiative's requirements and staff is optimistic. Advance approval from Finance will be requested in order to apply for these funds should they be awarded.

9. Director's Report

- Harbor Assistance Grant – Cat Island

The Harbor Assistance Grant for Cat Island has passed the cost benefit analysis. The seven grant applications are going to the advisory council for award. Further information should be available by the next meeting.

- Ballast Water Regulations

The State has released their ballast water regulations which are said to be favorable and that the WDNR has done well balancing the industry's needs. A copy of the regulations will be brought to the next meeting.

- BayPort Beneficial Reuse

Manager Haen met with the Wisconsin Department of Transportation (WDOT) Hwy 41 district director, coordinator, planner, and soil engineer and they are enthusiastic about the possibility of using dredge material to build the 43/41 interchange. Over 1.5M cy of material is needed to make the necessary grade at the interchange. Haen met with the WDNR as well as members of the Fox River Clean-up Project, who initially indicated they would have sand to use for the Hwy 41 project. Subsequently much of the groundwork for meeting state requirements has been done which has allowed Brown County to approach the WDNR for approval to beneficially reuse dredge material from the BayPort facility. Working together with the WDNR and WDOT to reuse this dredge material is good government as it is a win/win situation for everyone. Brown County has contacted Foth to prepare a proposal for a cost estimate for the beneficial reuse of the BayPort dredge material on the Hwy 41 project. This proposal will be brought to the Commission for review next month. Staff believes if all approvals are done prior to the WDOT laying out their bids, it will allow the WDOT to specifically require the contractor use this material.

- Noble Petro

The assignment for Noble Petro was approved by the Harbor Commission, the Planning, Development & Transportation Committee, and the Brown County Board. Noble Petro is now a Port customer.

10. Audit of Bills – Request for Approval

**A motion to approve the bills was made by Bill Martens and seconded by Ron Antonneau. Unanimously approved.**

11. Tonnage Report

In July staff reported tonnage was down 40%, however tonnage is currently down only 13% as November has been extremely busy. Staff expects that gap to close even further by year end and is a very positive sign for the Port.

5. Navigational Dredging Concerns Related to Fox River Clean-up Project – Update

As indicated in previous meetings, a letter was sent to the WDNR and EPA outlining Brown County's concerns related to the Fox River Clean-up Project. A response was received and a meeting was set up in Madison in early November. The short term issues (i.e., not being able to dredge in the East River and Georgia Pacific turning basins) progressed nicely with Georgia Pacific offering to pay up to \$20,000 for additional sampling for PCB's as requested by the WDNR and EPA. Haen noted the sampling has been done and the results should be available in early December. If the PCB concentrations come back  $\leq 1$  ppm, we will have unrestricted dredging. If the results indicate 1 to 2 ppm, an environmental clam shell will be required. If the PCB concentration is  $\geq 2$  ppm, a clam shell and silt curtain will be required, however the USACE has indicated they will not use a silt curtain. Staff feels confident the samples will come back less than 2ppm and we should be able to get next year's dredging completed. Currently there is over 10' of shoaling in the East River turning basin that must be dredged in order for ships to turn.

No progress was made on the larger issue of the proposed cap on one mile of the river which would limit the growth and expansion capabilities of five or our terminal operators. The WDNR and EPA indicated they are not changing the record of decision and the cap will be going in at its elevation. Manager Haen is currently in the process of working with the businesses affected by the proposed cap (C. Reiss Coal, CRM, LaFarge, GP and Leichts) to determine their interest in pursuing this matter further. If enough interest is shown, staff will hire Michael, Best & Friedrich to legally request amending the Record of Decision and having the cap set 2' lower which would bring the river to the seaway depth of 26' (based off low water datum). The additional cost to lower the cap by 2' would be estimated at approximately \$10M.

Although all of Brown County's legislators were copied on the letter to the WDNR and EPA, only Congressman Kagen has responded. Kagen indicated he would fully back the Port of Green Bay if they decide to pursue this further.

12. Such Other Matters as are Authorized by Law

The Commission requested the next Harbor Commission meeting be scheduled for December 14, 2009 at 12:45pm.

13. Adjourn

**A motion to adjourn was made by John Hanitz and seconded by Ron Antonneau.** Unanimously approved. Meeting adjourned at 1:30pm.

---

Neil McKloskey, President  
Harbor Commission

Charles Larscheid, Director  
Port & Solid Waste Department